

Express Mail No. EV344003499US

Attorney Docket No. 58256-010200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Piechaczyk et al. ATTY DOCKET: 58256-010200
SERIAL NO.: 09/341,894 ART UNIT: 1632
DATE FILED: December 15, 1999 EXAMINER: Woitach, J.
FOR: BIOLOGICAL MATERIAL DATE: January 25, 2005
FOR TREATING A
MAMMAL BY ANTIBODY
GENE TRANSFER AND
PHARMACEUTICAL
COMPOSITION
CONTAINING SAME

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee", Express Mail Label No. EV344003499US in an envelope addressed to Box Amendment, Commissioner of Patents, U.S. Patent and Trademark Office, PO Box 1450, Arlington, VA 22213 on January 25, 2005

Neil Harris

BOX AMENDMENT
Commissioner of Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Arlington, VA 22213

TRANSMITTAL LETTER

Enclosed herewith for filing in the above-referenced utility application are the following:

- ☒ Response to the Notice of Non-Compliant Amendment:
- ☒ Copy of the Notice of Non-Compliant Amendment; and
- ☒ Return postcard.

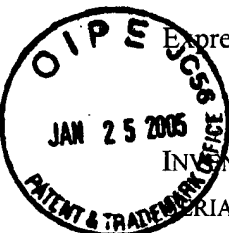
If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at telephone (617) 310-6000.

Applicants believe that no fees are due with this submission. However, the commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment to Deposit Account No. 50-2678, Ref No. 58256-010200. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Chinh H. Pham, Reg. No. 39,329
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Date: January 25, 2005
157118v1



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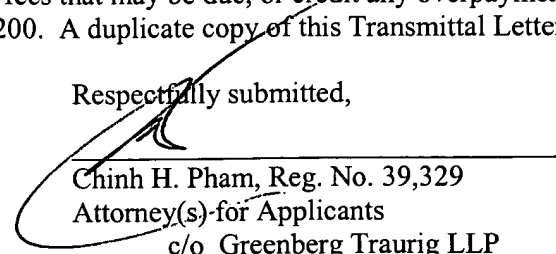
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,894	12/15/1999	MARC PIECHACZYK	19141-007	5731

7590 01/13/2005

PATENT ADMINISTRATOR
GREENBERG TRAURIG, LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110



EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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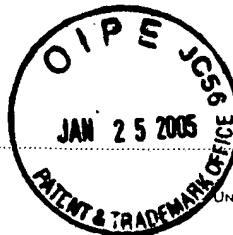
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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12/13/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

TRACEY D. JOHNSON
PATENT ANALYST

Legal Instruments Examiner (LIE)

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